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Spring 2021

Copyright 101

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Copyright 101

Rowan University Libraries

Spring 2021



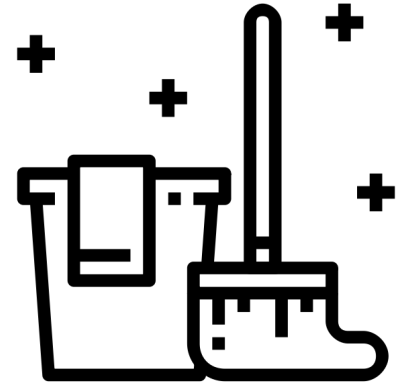
Overview

- What is Copyright?
- Copyright Protection and its Significance
- Duration of Copyright
- Difference between Copyright and Patents and Trademarks
- Role of the Library in Relation to Copyright (course reserves, ILL, etc.)
- Introduction to Fair Use
- Some Copyright Myths
- Copyright Series Library Workshops



Presentation Housekeeping...

- Please enter questions into the chat and they will be answered as we go. You can also ask questions during Q&A at the end of the presentation.
- You can also email questions following this presentation to Bret and Shilpa (Email contacts on the final slide).
- The slides will be made available online following the presentation on the <https://libguides.rowan.edu/libraryworkshops> web page.



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Learning Outcomes

- Understand the basics of copyright considerations and their role in higher education.
- Understand the role the library plays in managing copyright concerns for access to copyrighted materials.
- Understand Fair Use and its application in using licensed or copyrighted materials/e-resources for teaching, learning, and scholarship.

A large, stylized torch with a yellow flame and a white bowl, set against a light gray circular background.

Disclaimer:

Information presented here is purely that and is not to be considered as legal advice.

Copyright Myths

- If it is on the internet, copyright does not apply
- If I acknowledge the original source, I am exempt
- If I post a disclaimer, I am exempt
- All educational uses are exempt



What is Copyright?

Copyright is a form of protection grounded in the U.S. Constitution and granted by law for original works of authorship fixed in a tangible medium of expression.

Copyright covers both published and unpublished works.

[Source: <https://www.copyright.gov/help/faq/faq-general.html#what>]

Definition of Terms

- **Original** = must have some degree of creativity, not common
 - Example: The phrase “I love you” cannot be copyrighted
- **Works**
 - **Literary works**
 - **Musical works**, including any accompanying words
 - **Dramatic works**, including any accompanying music
 - **Pantomimes and choreographic works**
 - **Pictorial, graphic, and sculptural works**
 - **Motion pictures and other audiovisual works**
 - **Sound recordings**, which are works that result from the fixation of a series of musical, spoken, or other sounds
 - **Architectural works**
- **Fixed in a tangible medium of expression** (example):
 - Work = choreographic work
 - Tangible medium of expression = video of the performance or some other fixed documentation

Why Do We Have Copyright?

- Promotes the progress of science, the arts, and knowledge
- Encourages creators by granting a temporary monopoly, allowing them to profit from their work
- This monopoly is limited by the potential benefits of the public





What is Copyright Protection? OR What Are My Rights As A Creator?

Your work is under copyright protection the moment it is created and fixed in a tangible form that it is perceptible either directly or with the aid of a machine or device.

1. Reproduce copyrighted work
2. Prepare derivative works
3. Distribute copies of the work
4. Perform the work publicly
5. Display the work publicly
6. Perform the work publicly by digital transmission

What Do I Need To Do To Protect My Work?

Nothing! After 1979, copyright is automatic once an original work is fixed.

Potentially register your work with the [US Copyright Office](#) if you receive monetary gain through your work and want to establish the date of your claim.

You may also want to add the following to your work:

- The copyright symbol ©
- Your name
- Your contact information where permission can be obtained
- Years for which the copyright pertains
- The phrase "All Rights Reserved"

How Long Does Copyright Last?

The duration of copyright is fixed by national and state governments. In general, works in the US after 1979 are copyrighted for **the life of the author plus seventy years after the author's death.**

Once this duration ends, works enter what is called the **Public Domain**. Works in the public domain may be used freely.



What is in the Public Domain?

The Public Domain also includes works that do not qualify for copyright protection, such as government documents, works of insufficient originality, or works prior to 1979 that failed to renew their copyright. Most works from 1925 and earlier are in the Public Domain.

Cornell University Library Copyright Term and the Public Domain in the United States Tool:

<https://copyright.cornell.edu/publicdomain>

How is Copyright Different from Patents or Trademarks?

- Copyright protects original works of authorship
 - Ideas and discoveries are not protected by copyright law, although the way in which they are expressed may be.
- **Patents protect inventions or discoveries.**
- **Trademarks protect words, phrases, symbols, or designs** identifying the source of the goods or services of one party and distinguishing them from those of others.

*For help with Patents and Trademarks, consult with the [Office of Tech Commercialization](#)

What are the Limitations to Copyright?

- **Originality** - not everything fixed can be copyrighted
- **Duration** - the work may enter the public domain after a certain amount of time
- **Licensing and permissions** (built in to author rights) - licenses can make exceptions to copyright, or copyright owners can grant permissions
- **Fair Use** - the nature of the reproduction or use may be considered “fair”



Role of Library in Relation to Copyright

- Manage licenses and access to licensed materials
- Provide information and resources on copyright
- Educate about copyright exceptions for Libraries
- Help users use (licensed) materials legally and ethically
- Provide access (publish) to original and unpublished materials (through the archives and other digital platforms like Rowan Digital Works, InterLibrary Loan (ILL))

Library Exemptions to Copyright

- The **First Sale Doctrine** enables libraries to lend books and other resources.
- **Fair Use** allows for the use of copyrighted works for purposes of criticism, comment, news reporting, scholarship, or research.
- Libraries are permitted to make **reproductions** of copyrighted works for **preservation** and **replacement** purposes.



Library Exemptions to Copyright

- Under copyright law, libraries can aid in the **transformation** and **reproduction** of copyrighted works for users with disabilities.
- Copyright law allows libraries and archives to reproduce and distribute one copy of a work under certain circumstances, such as **interlibrary loan (ILL)**



Course Reserves and Interlibrary Loan

Physical course reserves and the interlibrary loan of books are an extension of the First Sale Doctrine with library holdings or faculty-supplied materials (for course reserves)

Electronic course reserves and scanning for Interlibrary Loan are an extension of Fair Use [Limited to 10% of a work]

- [Course Reserves Request](#)
- [InterLibrary Loan](#)
- Contact Library at:
 - circulation@rowan.edu
 - 856-256-4802

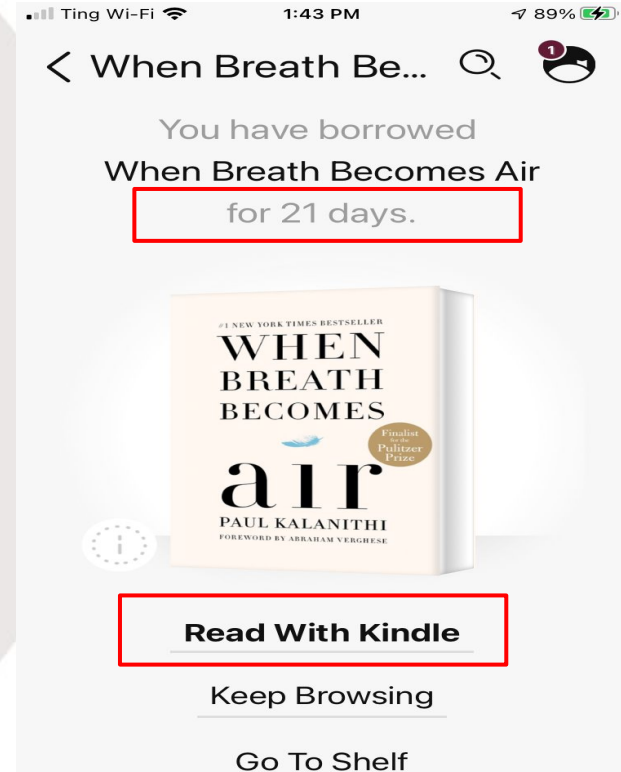
Subscriptions and Licensed Materials

- What are licenses?
 - Contracts that clarify the relationship outside and beyond traditional copyright, specify how the licensed materials can and cannot be used
 - Negotiated between the library and vendors/publishers
 - Regularly renewed and renegotiated
- Licenses for electronic resources allow users to access content within certain limitations
 - Implications for data mining
 - Available only to the Rowan community

Digital Rights Management (DRM)

Different providers have different restrictions for:

- Access and platform
- Loan period
- Downloading
- Printing
- Copying



Example from EBSCO e-book

Latinx Art : Artists, Markets, and Politics

Authors: [Arlene Dávila](#)

Publication Information: Durham : Duke University Press Books. 2020

Resource Type: eBook.

Description: In Latinx Art Arlene Dávila draws on numerous interviews with artists, dealers, and curators to explore the problem of visualizing Latinx art and artists. Providing an inside and critical look of the global contemporary art market, Dávila's book is at once an introduction to contemporary Latinx art and a call to decolonize the art worlds and practices that erase and whitewash Latinx artists. Dávila shows the importance of race, class, and nationalism in shaping contemporary art markets while providing a path for scrutinizing art and culture institutions and for diversifying the art world.

Subjects: [Cultural policy](#)
[Museum exhibits--Political aspects](#)
[Art, Latin American--Political aspects](#)
[Hispanic American artists](#)
[Ethnology--Political aspects](#)
[Anthropology--Political aspects](#)

Categories: [ART / American / Hispanic American](#)
[ART / Business Aspects](#)
[SOCIAL SCIENCE / Ethnic Studies / American / Hispanic American Studies](#)

Related ISBNs: 9781478008569. 9781478009450. 9781478008859.

OCLC: 1141028105

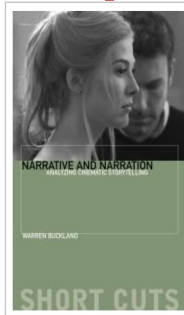
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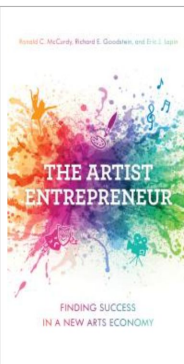


Examples from ProQuest e-books



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Narrative and Narration : Analyzing Cinematic Storytelling

Warren Buckland

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The Artist Entrepreneur : Finding Success in a New Arts Economy

Ronald C. McCurdy, Richard E. Goodstein, and Eric J. Lapin

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Open Access (OA) Publishing and Author Rights

With traditional publishing, authors usually **sign away** copyright and other author rights (reproduce, distribute, prepare derivatives, publicly display/perform) to publishers

With OA Publishing, authors **retain** copyright and other author rights and have more freedom and flexibility to disseminate, reproduce or share their works on any platform.

Creative Commons licenses tend to be used for broader use and dissemination of works.

Introduction to Fair Use

Section 107 of the Copyright Law allows some exemptions to copyright infringement, given certain uses, including:

- Criticism
- Comment
- News reporting
- Teaching (including multiple copies for classroom use)
- Scholarship
- Research

Fair use is a guideline for courts to consider, and going to court is the only way to officially decide whether a use is “fair”.

The Four Factors

1. The **purpose** and **character of the use**, including whether such use is of a commercial nature or is for nonprofit educational purposes;
2. The **nature** of the copyrighted work;
3. The **amount** and **substantiality of the portion used** in relation to the copyrighted work as a whole; and
4. The **effect of the use upon the potential market** for or value of the copyrighted work.

All four factors are weighed against each other in determining whether a use is “fair”

The Transformative Factor

One of the most important aspect of fair use that judges consider is an extension of the first factor, the purpose or character of the work and your use of it, asking whether you have created something new or whether you have used something verbatim for its original purpose.

Guiding questions include:

- Has the material you have taken from the original work been transformed by adding new expression or meaning?
- Was value added to the original by creating new information, new aesthetics, new insights, and understandings?

Tools for Fair Use Analysis

Fair Use Checklist: Cornell University Libraries:

[https://copyright.cornell.edu/sites/default/files/2016-10/Fair Use Checklist.pdf](https://copyright.cornell.edu/sites/default/files/2016-10/Fair%20Use%20Checklist.pdf)

Fair Use Evaluator: Michael Brewer and American Library Association Office for Information Technology Policy

<https://librarycopyright.net/resources/fairuse/index.php>

Fair Use Checklist: Columbia University Libraries:

<https://copyright.columbia.edu/content/dam/copyright/Precedent%20Docs/fairusechecklist.pdf>

Library Copyright Workshop Series

Fair Use and Instruction

Dates:

- Monday, March 15th, 1-2pm. [Register](#)
- Thursday, April 8th, 11am-12pm. [Register](#)

Length of workshop: 60 mins

Faculty: Shilpa Rele, Scholarly Communication and Data Curation Librarian and Bret McCandless, Music and Performing Arts Librarian

Learning objectives:

1. Participants will understand the ways in which copyright and fair use related to instruction.
2. Participants will apply a fair use analysis to classroom situations in face to face and online situations.
3. Participants will implement strategies for using classroom materials in an ethical manner.

Description:

This workshop will introduce teaching faculty to the ways that copyright specifically affects classroom and online instruction. The focus will be on the rights and limitations of the fair use doctrine, which allows the use of copyright-protected works in certain circumstances, including considerations of educational purposes. The workshop will introduce the traditional four factors of a fair use analysis, and participants will practice using this analysis in a variety of situations.

Skill levels for attendees: Little to no experience, Some experience

Software requirements: None

Creative Commons Licenses: An Overview

Dates:

- Tuesday, March 9th, 10am-11am. [Register](#)
- Monday, April 19th, 2-3pm. [Register](#)

Length of workshop: 60 minutes

Faculty: Shilpa Rele, Scholarly Communication and Data Curation Librarian, Bret McCandless, Music and Performing Arts Librarian and Christine Davidian, Electronic Resources and Serials Librarian.

Learning objectives:

1. Participants will understand the rights and limitations of the six different creative commons licenses.
2. Participants will be able to apply creative commons licenses to created works.
3. Participants will be able to find and adapt works with creative commons licenses.

Description:

This workshop will introduce participants to creative commons licenses, which allow more freedom than traditional copyright for access, distribution, and re-use. Creative Commons licenses give everyone from individual creators to large institutions a standardized way to grant the public permission to use their creative work under copyright law. They also ensure that licensors get credit for the work they deserve. This workshop will be useful for creators (anyone in the Rowan community) who want to make their work more accessible and for creators who want to reuse and adapt existing materials in their work.

Skill levels for attendees: Little to no experience, Some experience

Software requirements: None

Thank you / Questions?

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